



# United States Department of the Interior


BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E., Suite 400  
Aberdeen, South Dakota 57401

IN REPLY REFER TO:  
DESCRM  
MC-208

SEP 12 2012

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for Marathon Oil Company, and authorizes an alternative cuttings pit location for the William USA well pad on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Categorical Exclusion.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

### Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Grady Wolf, KLJ (with attachment)  
Derek Enderud, BLM, Dickinson, ND (with attachment)  
Carson Hood/Fred Fox, MHA Energy Dept. (with attachment)  
Jonathon Shelman, Corps of Engineers (e-mail)  
Jeff Hunt, Fort Berthold Agency (e-mail)



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Date: 9/10/2012

Project: CAT-EX for Marathon Oil Company's (Marathon's) August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells to authorize moving the Williams USA cuttings pit to an alternate location within the previously approved well pad right-of-way.

Nature of Proposed Action: The purpose of the proposed action is to authorize Marathon to shift the cuttings pit location approximately 115 feet north of the previously approved location to avoid a shallow groundwater table. In addition, the two previously approved pits would be combined into one, and the tank batteries and production equipment would be moved to the southwest corner of the well pad. The proposed action would not result in any additional ground disturbance.

Exclusion category and number: 516 DM 10.5F(1)

### Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X Yes \_\_\_\_\_
2. This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. No X Yes \_\_\_\_\_
3. The action will have highly controversial environmental effects. No X Yes \_\_\_\_\_
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes \_\_\_\_\_
5. This action will establish a precedent for future actions. No X Yes \_\_\_\_\_
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes \_\_\_\_\_

7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X Yes \_\_\_\_\_
8. This action will affect a species listed, or proposed to be listed as endangered or threatened. No X Yes \_\_\_\_\_
9. This action threatens to violate federal, state, local or tribal law or requirements imposed for protection of the environment. No X Yes \_\_\_\_\_
10. This action will have a disproportionately high and adverse effect on low income or minority populations. No X Yes \_\_\_\_\_
11. This action will limit access to, and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites. No X Yes \_\_\_\_\_
12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No X Yes \_\_\_\_\_

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action - - - CE X EA \_\_\_\_\_

Preparer's Name and Title: Mike Huffington, Environmental Planner, Kadrmas, Lee & Jackson, Fargo, ND

Regional Archeologist Concurrence with Item 7 Carson M. Mundy

Concur: Jeffrey R. Davis  
Regional Office/Agency Environmental Coordinator

Date: 9-12-2012

Concur:  Date: 9/12/12  
Regional Director/Superintendent

# CATEGORICAL EXCLUSION

## *Supplementary Information*

United States Bureau of Indian Affairs

Great Plains Regional Office  
Aberdeen, South Dakota



Marathon Oil Company

### **Supplementary Information for:**

Marathon Oil Company CAT-EX for William USA Alternative Cuttings Pit Location

Fort Berthold Indian Reservation

September 2012

*For information contact:*  
*Bureau of Indian Affairs, Great Plains Regional Office*  
*Division of Environment, Safety and Cultural Resources*  
*115 4th Avenue SE*  
*Aberdeen, South Dakota 57401*  
*605-226-7656*

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## EXHIBITS

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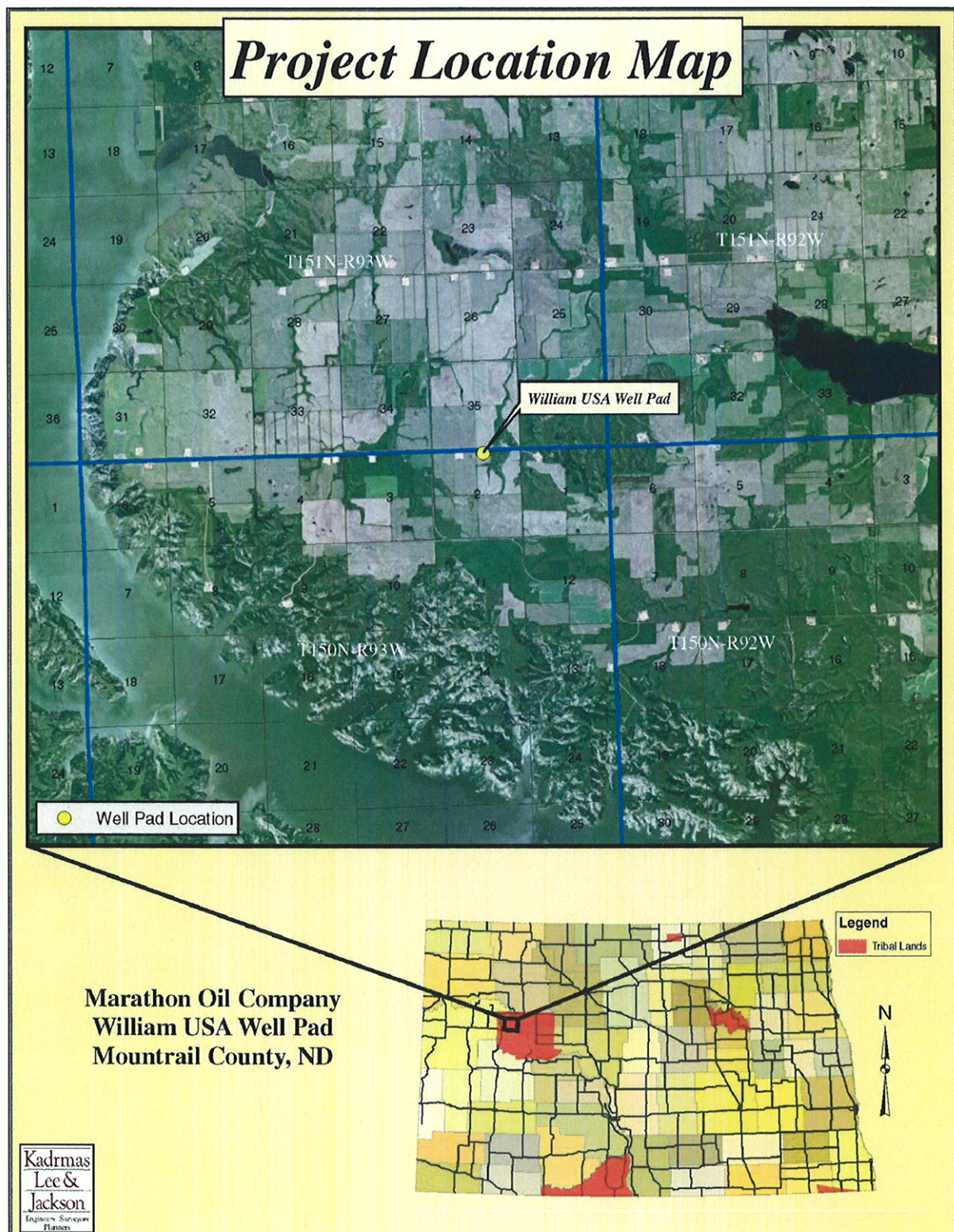
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# 1 PURPOSE AND NEED FOR THE PROPOSED ACTION

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Marathon Oil Company (Marathon) proposes to move the cuttings pit location on the previously approved William USA well pad. During well pad construction, a shallow water table was encountered while digging the cuttings pits in the previously approved locations. To avoid the placement of cuttings within this area, Marathon has proposed to shift the cuttings pit location approximately 115 feet north while remaining within the original well pad footprint. The previously approved well pad layout was designed with two individual cuttings pits; however, to save space these pits would be combined into one large pit appropriately sized to accommodate cuttings from both proposed well bores. To accommodate this new cuttings pit location, the tank batteries and production equipment would be moved to the southwest corner of the well pad. ***Please refer to Figure 1, Project Location Map; Figure 2, Previously Approved Pad Layout; and Figure 3, Proposed Pad Layout.***





**Figure 1 Project Location Map**



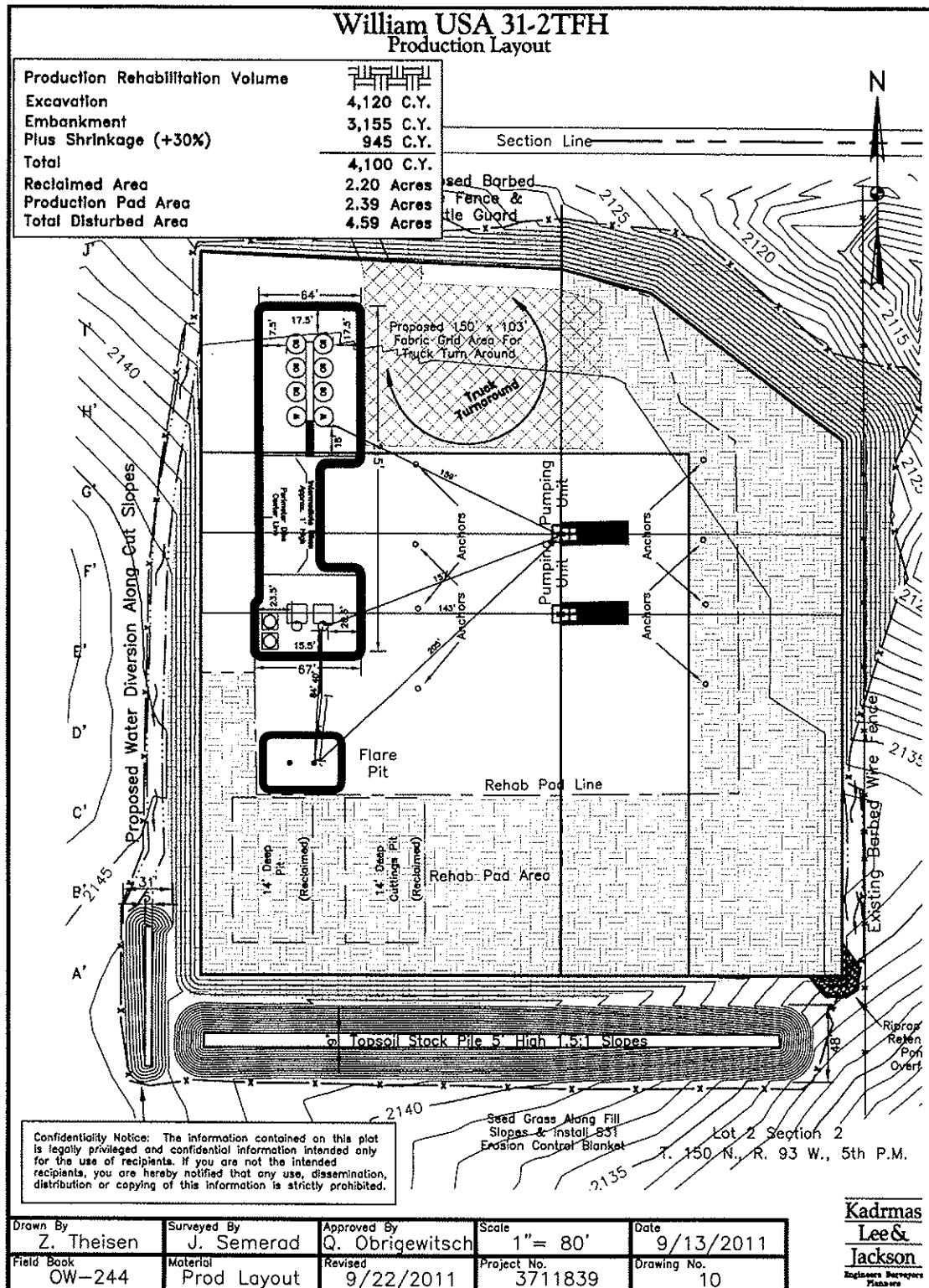


Figure 2. Previously Approved Pad Layout

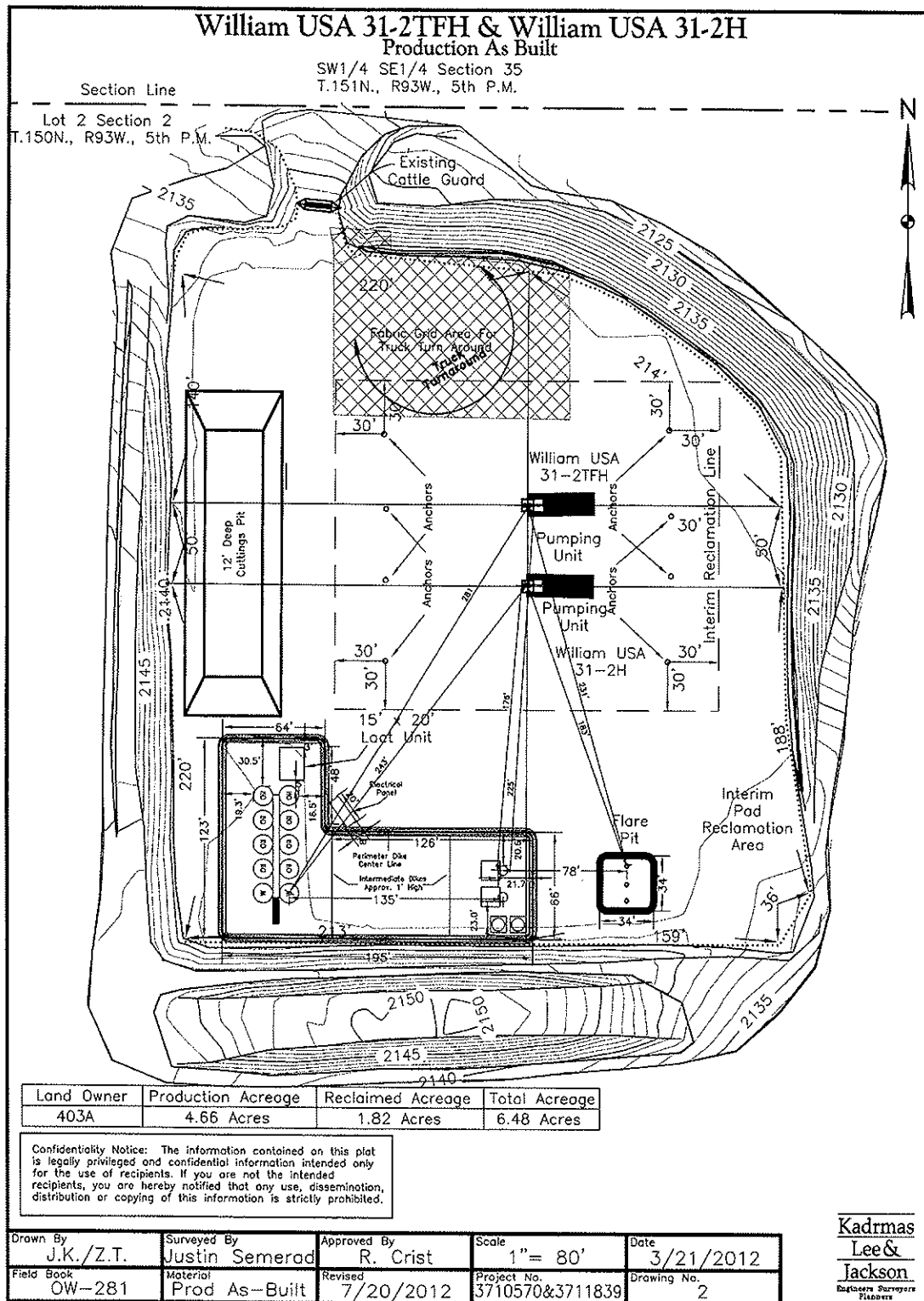


Figure 3. Proposed Pad Layout

## **2 AUTHORITIES**

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Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

## **3 LEGAL LAND DESCRIPTION OF PROPOSED ACTION**

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The proposed cuttings pit location would be constructed atop the previously-approved William USA well pad in the NW¼NE¼ of Section 2, Township 150 North, Range 93 West, 5<sup>th</sup> P.M.

## **4 SCOPE OF WORK FOR PROPOSED ACTION**

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The William USA cuttings pit location would be shifted approximately 115 feet north of the previously approved location to avoid placement atop a shallow groundwater table. The new cuttings pit location would be entirely within the current well pad footprint; therefore, there would be no additional ground disturbance or environmental impacts associated with the proposed action.

## **5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS**

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Environmental Assessment: Marathon Oil Company August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells.

- FONSI issued August 03, 2011
- ROW issued October 27, 2011

Categorical Exclusion: Marathon Oil Company June 2012 CAT-EX for Drilling of Williams USA #31-2TFH to Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells

- CAT-EX approved June 19, 2012

## 6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

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The proposed project would take place entirely within areas of disturbance identified and accounted for in the August 2011 Environmental Assessment referenced above. Therefore, the proposed project would not result in additional ground disturbance and would not result in additional environmental impacts from those which are disclosed in the August 2011 Environmental Assessment.

## 7 NEPA ADEQUACY CRITERIA

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This document has identified two previously prepared NEPA documents:

- Marathon Oil Company August 2011 Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells
- Categorical Exclusion: Marathon Oil Company June 2012 CAT-EX for Drilling of Williams USA #31-2TFH to Environmental Assessment for Drilling of Everett Fisher USA #31-6H/Jessica USA #21-6TFH (dual well); MHA USA #11-4H/MHA USA #11-4TFH (dual well); Henry Charging USA #41-3H/Henry Charging USA #31-3H (dual well); William USA #31-2H; and Baker USA #11-18H/Baker USA #11-18TFH (dual well) Oil & Gas Wells

Both of these documents adequately describe the environmental consequences of the newly proposed action described herein, and meet the following NEPA Adequacy Criteria:

1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately consider and analyze current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed actions.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents or described in this Categorical Exclusion supplementary information.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA documents.

7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.